

REMARKS

This Amendment is in response to the Final Office Action mailed on April 7, 2004. Claims 1, 3, 7-9, 11-12, 14, 16-18, 20, 21 and 34-45 are pending in the application. Claims 41-45 are withdrawn and claims 1, 3, 7-9, 11-12, 16-18, 20-21 and 34-38 are allowed. Claim 39-40 are rejected and Applicants respond to the rejection of claims 39-40 as follows.

Response to Claim Rejections - 35 U.S.C. § 102

Claims 39-40 were rejected under 35 U.S.C. § 102(b) as being anticipated by Chikazawa et al., U.S Patent No. 5,313,352 on the basis that Chikazawa discloses piezoelectric elements 8A-8B and a controller 9 coupled to the bending assemblies without proper consideration of each of the recited claim limitations. Claims 39-40 as amended recite *inter alia* a controller operable to adjust a **roll attitude** of the head based upon a **radial position of the head** relative to the disc surface which provides a structural difference which is not taught by Chikazawa and which was not considered with respect to rejection of claims 39-40.

Chikazawa discloses vibration elements 8A-8D which are energized by controller 9 to oscillate the slider (pitching and rolling oscillations) for lift off and landing the slider to limit stiction. Voltage to the vibration elements 8A-8D is switched on at the time before the magnetic disc rotates and switched off and floating is started when rotation of the magnetic disc increases. (Chikazawa, Col. 5, lines 45-55) When rotation of the disc decreases, vibration elements of Chikazawa are energized to add floating and are switched off to land the head. (Chikazawa. Col. 5, lines 54-60). Chikazawa does not teach a controller operable to adjust a roll attitude of the head based upon a radial position of the head as claimed.

Claims 39-40 recite more than an intended use since claims recite a controller coupled to bending elements which is configured to adjust roll attitude based upon radial position of the head. The roll attitude is adjusted to provide dynamic fly attitude or fly height control for read or write operations. The controller as configured recites a structural limitation and not merely an intended use. Chikazawa does not teach the structural limitations or controller recited in claims 39-40 and thus reconsideration and allowance of amended claims 39-40 are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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